



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue
Seattle, Washington 98101

Reply To
Attn Of: HW-114

JUL 16 1993

NOTICE OF POTENTIAL LIABILITY AND OFFER TO NEGOTIATE
FOR REMOVAL ACTION
URGENT LEGAL MATTER--PROMPT REPLY NECESSARY
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Boeing Aerospace Corporation
Safety Health & Environmental
Affairs, Mailstop 7E-HF
ATTN: Kirk Thomson
P.O. Box 3707
Seattle, WA 98124-2207

Re: Moses Lake Wellfield Contamination Superfund Site, Moses
Lake, Washington

Dear Mr. Thomson:

This letter notifies you of potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9607(a), as amended ("CERCLA"), that you may incur or may have incurred with respect to the Moses Lake Wellfield Contamination Superfund Site ("Site"). This letter also notifies you of forthcoming removal activities at the Skyline Drinking Water System (hereinafter sometimes "Skyline") portion of the Site, which you may be asked to perform or finance at a later date. By this letter, you are being asked to conduct certain of these response actions, namely the interim provision of uncontaminated water (in the form of bottled water or at-the-tap carbon filtration units) to Skyline Drinking Water System users within 45 days of your receipt of this letter.

SITE BACKGROUND

Groundwater contamination at the Moses Lake Wellfield Contamination Superfund Site was initially identified in early 1988 by the Washington Department of Health ("WDOH") as part of routine sampling of municipal drinking water wells. Two of these wells contained trichloroethylene ("TCE"), a volatile organic chemical which is known to cause adverse health effects in humans. Additional sampling conducted later in 1988 indicated that some wells had contamination levels significantly above the EPA drinking water standards. An independent study by Washington Department of Ecology ("Ecology") confirmed these tests. TCE levels exceeding the MCL were also found at the Skyline Drinking Water System, a private water system that serves approximately seventy or eighty households of about 150 persons.

EPA subsequently began to investigate possible sources of this groundwater contamination. Several locations were



identified as potential contamination sources. As a result of these investigations, EPA proposed the Moses Lake Wellfield Contamination for the National Priorities List ("NPL") in July 1991, and the site was listed in October 1992. The NPL is the list of hazardous waste sites throughout the United States that require investigation and cleanup to protect human health and/or the environment.

Based on preliminary sampling at the Site, the size and extent of the contaminated groundwater, called the groundwater plume, is about 1 mile wide, 3 miles long, and 100-300 feet deep extending south and west from the former Larson Air Force Base. Investigations will be conducted to define the contaminated plume and identify sources of this contamination. The Skyline Drinking Water System is located generally to the south of former Larson Air Force Base. Based on current information, the two ground water wells that feed the Skyline system are located within the contaminated ground water plume.

NOTICE OF POTENTIAL LIABILITY

The United States Environmental Protection Agency ("EPA") has documented the release or threatened release of hazardous substances, pollutants, or contaminants at the Site. EPA has spent public funds to investigate such releases or threatened releases at the Site and is considering spending funds to control the releases. Unless EPA reaches an agreement under which a Potentially Responsible Party ("PRP") or parties will properly perform or finance such actions, EPA may perform these actions pursuant to Section 104 of CERCLA, 42 U.S.C. §9604.

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§9606(a) and 9607(a), Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6973, as amended ("RCRA"), and other laws, PRPs may be ordered to perform response actions deemed necessary by EPA to protect the public health, welfare, or the environment, and may be liable for all costs incurred by the government in responding to any release or threatened release at the Site. Such actions and costs may include, but are not limited to, expenditures for conducting a Remedial Investigation/Feasibility Study ("RI/FS"), conducting a Remedial Design/Remedial Action ("RD/RA"), and other investigation, planning, response, oversight, and enforcement activities. In addition, PRPs may be required to pay for damages to, destruction of, or loss of natural resources, including the costs of assessing such damages.

EPA has evaluated information in connection with the investigation of the Skyline Drinking Water System. Based on this information, EPA believes that you are a PRP with respect to Skyline. PRPs under CERCLA include current and former owners and operators of the Site, as well as persons who arranged for disposal or treatment of hazardous substances sent to the Site, or persons who accepted hazardous substances for transport to the Site. By this letter, EPA notifies you of your potential liability with regard to this matter and encourages you to

voluntarily perform or finance those response activities that EPA determines are necessary at Skyline.

In accordance with CERCLA and other authorities, EPA has already undertaken certain actions and incurred certain costs in response to conditions at the Site. These response actions include site investigation and characterization activities. EPA may expend additional funds for response activities at the Site under the authority of CERCLA and other laws.

DECISION NOT TO USE SPECIAL NOTICE

Under Section 122(e) of CERCLA, 42 U.S.C. §9622(e), EPA has the discretionary authority to invoke special notice procedures to formally negotiate the terms of an agreement between EPA and PRPs to conduct or finance response activities. Use of these special notice procedures triggers a moratorium on certain EPA activities at the Site while formal negotiations between EPA and the PRP or PRPs are conducted.

In this case, EPA has decided not to invoke the Section 122(e) special notice procedures. EPA seeks to have expedited response actions initiated to provide the Skyline Drinking Water System users with uncontaminated drinking water within 45 days of your receipt of this letter. Under these circumstances, the use of the special notice procedures is determined to be inappropriate.

INFORMAL NEGOTIATIONS AND GOOD FAITH OFFER

You are encouraged to voluntarily negotiate a settlement providing for the PRPs, including yourself, to conduct or finance the response activities required in regard to the Skyline Drinking Water System. You may express your willingness to do so through a good faith offer to EPA within 30 days of receipt of this notice letter.

The good faith offer should be in the form of a letter of intent to (1) initiate the interim response measures as set forth below within the timeframes indicated; (2) to immediately begin negotiations with EPA on an Administrative Order on Consent (AOC) to fully conduct the response actions set forth below; and (3) to commit to make good faith efforts to conclude negotiations with a signed AOC within 60 days. Additionally, the good faith offer should include an element by element response to EPA's draft AOC and any attachments. In order for your proposal to be considered a good faith offer, it should not significantly differ from EPA's draft AOC.

SITE RESPONSE ACTIVITIES AND PROJECTED SCHEDULE

The following response activities are projected to be conducted as an early action removal at the Skyline Drinking Water System at the Moses Lake Wellfield Contamination Superfund Site:

I. Interim Response Measures

Provision of bottled water, or treatment units at the tap, to Skyline Drinking Water System users as an interim measure to prevent continued further exposure to contaminated drinking water. This will be done until the selected removal alternative for the Skyline Water System can be implemented. Bottled water or treatment units will be provided only to those Skyline Drinking Water system users who wish to participate.

Approximate start date: 45 days after PRPs receive notice letter.

Day 1: PRPs receive notice letters;
Day 30: Good faith offer received by EPA;
Day 45: PRPs initiate either bottled water delivery or placement of at-the-tap carbon-filtration units;
Day 60: EPA and PRPs complete negotiations and sign Administrative Order on Consent;

Approximate end date: When the selected removal alternative is constructed and adequately functioning.

II. Preparation of EE/CA

Completion of an Engineering Evaluation/Cost Analysis (EE/CA) to evaluate options for a removal alternative that will comply with the standards for federal maximum contaminant levels (MCL) in the Skyline Water System drinking water. (The U.S. Army Corps of Engineers is currently developing an EE/CA).

Approximate start date: May 1993

Approximate end date: August 20, 1993

III. Construction of Selected Removal Alternative

Construction of the removal alternative identified in the EE/CA and selected by EPA.

Approximate start date: January 4, 1994

Approximate end date: January 31, 1994

IV. Operation and Maintenance

Perform operation and maintenance activities as necessary to maintain the effectiveness of the selected removal alternative and prevent exposure to TCE contaminated drinking water at the Skyline Water System.

Approximate start date: January 31, 1994

Approximate end date: Until no longer necessary

INFORMATION TO ASSIST POTENTIALLY RESPONSIBLE PARTIES

EPA wishes to encourage good faith negotiations between the PRPs and EPA, as well as among the PRPs. To assist the PRPs in preparing a proposal and in negotiating with EPA concerning this matter, EPA is providing the following information as an enclosure to this letter:

1.) A list of names and addresses of PRPs to whom this notification is being sent. This list represents EPA's preliminary findings on the identities of PRPs. Inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at the Site.

2.) A draft Administrative Order on Consent (AOC).

3.) A projected Schedule (Attachment B to the AOC) for implementation of the Skyline Early Action removal response activities.

Additional site file information is available at:

EPA Region 10 Records Center
1200 Sixth Avenue, 7th floor
Seattle, Washington 98101

PRP STEERING COMMITTEE

EPA recommends that all PRPs meet to select a steering committee responsible for representing the group's interests. Although EPA may identify more PRPs in the future, establishing a manageable group is critical for successful negotiations with EPA. Alternatively, EPA encourages each PRP to select one person from its company or organization who will represent its interests.

ADMINISTRATIVE RECORD

Pursuant to Section 113(k) of CERCLA, 42 U.S.C. § 9613(k), EPA must establish an administrative record that contains documents that form the basis of EPA's decision on the selection of a response action for a site. The administrative record files, which contain the documents related to the response action selected for this Site, will be available to the public for inspection and comment. The primary location will be the EPA Regional Office. The administrative record will also be available at the Moses Lake Public Library.

ADMINISTRATIVE ORDER ON CONSENT

Attached to this letter is a draft Administrative Order on Consent (AOC). This document is provided to assist you and other PRPs in developing a good faith offer for conducting the removal response actions at Skyline. A Projected Schedule that lists the tasks to be done is included as Attachment B to the AOC. The AOC contains provisions for the Skyline Water Company and Norm Vehrs to provide access necessary to implement removal response activities at Skyline and makes provision for amendment in the future to include implementation of the Phase Two removal for the Skyline Early Action removal when an EE/CA is complete. EPA

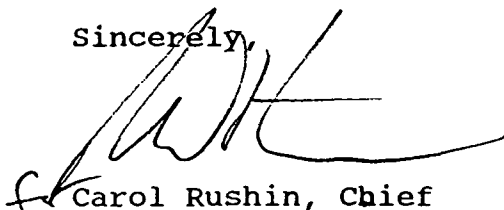
expects that the selected removal action alternative should be constructed and operational no later than Spring of 1994.

PRP RESPONSE AND EPA CONTACT

As EPA has determined that there is a need to expeditiously address drinking water contamination at Skyline, EPA expects to receive from the PRPs within 30 days of their receipt of this letter a good faith offer to provide bottled water, or at-the-tap carbon filtration units, to Skyline users within 45 days of receipt of this letter. EPA expects that the PRPs will begin provision of uncontaminated drinking water (such as distributing bottled water, or carbon filtration units) to Skyline Drinking Water System users within 45 days of receipt of this letter. EPA expects to complete negotiations and signatures on the attached Administrative Order on Consent within 60 days after receipt of this letter. PRPs may respond individually or through a steering committee if such a committee has been formed. Your response should be in the form of a good faith offer as described above.

If you have any questions pertaining to this letter, please contact Eric Winiecki, Superfund Site Manager, at (206) 553-6904. Legal questions should be directed to Joan Shirley, Assistant Regional Counsel at (206) 553-0978.

Sincerely,



Carol Rushin, Chief
Superfund Remedial Branch

cc: Marian Abbett, Washington Department of Ecology
Craig Riley, Washington Department of Health
Kathy LeProwse, U.S. Army Corps of Engineers
Paul Carlson, Boeing

Enclosures

MOSES LAKE WELLFIELD CONTAMINATION SUPERFUND SITE
Notice of Potential Liability and
Offer to Negotiate for Removal Action
Addressees

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